

*Negative*—Messrs. Morgan, Hopwell, Randall, Kent, Weems, Dalrymple, Merrick, Howard, Lloyd, Miller, Grason, George, Fooks, Jacobs, Thomas, Gaither, Biser, Annan, Sappington, Stephenson, Harbine, Michael Newcomer, Davis, Waters and Brown—25.

So the amendment was adopted.

Mr. GRASON moved to reconsider the vote of the Convention just taken on the amendment offered by Mr. Shriver and adopted by the Convention.

In making the above motion,

Mr. G. said: A large majority of the Convention are disposed to continue the orphans' courts as they are now established. The only question before the Convention is whether they should have three judges or one. I have had a great deal of experience in the orphans' court from the time I was twenty-one years of age. I am satisfied that if you have but one judge of the orphans' court, you will have many decisions which will be prejudicial to the persons whose business is to be transacted before that tribunal. We know that if there is but one judge, there may be a collision with the parties who administer the estate, who have the guardianship, or who have claims against the estates of deceased persons.—When there are three persons in the orphans' court, each one is a check upon the others, and it is impossible for any one to deviate from strict justice, unless they all combine for the same purpose. It is also believed to be pretty well ascertained that these gentlemen are to be elected by the people. If you elect one man, you must frequently have persons brought into the office who will be totally unacquainted with the business of the office. If you have three judges, you will be pretty sure to have always at least one man accustomed to the business of the orphans' court. It may be said that the same rule applies to the county court; but it is very different, because in the county court the jury decide upon the facts, and there are always lawyers upon both sides. In the orphans' court the judge decides both law and facts, and the evidence is *ex parte*. Accounts may be passed by one judge which never would be passed by three. My only objection to the amendment of the gentleman from Washington county, (Mr. M. Newcomer,) is that it goes too much into detail. I think it would be better to embrace the whole in a few general terms, and I have prepared a substitute which at a proper time I will offer as a substitute for the proposition.

Mr. G. here read the proposition subsequently moved by him.

Mr. WEEMS demanded the yeas and nays, on the motion to reconsider, which were ordered, and being taken resulted ayes 27, noes 45, as follows:

*Affirmative*—Messrs. Morgan, Hopewell, Wells, Randall, Kent, Weems, Merrick, Howard, Chandler, Lloyd, Grason, George, Wright, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Harbine, Michael Newcomer, Davis, Waters and Brown—27.

*Negative*—Messrs. Chapman, Pres't, Ricaud, Lee, Chambers, of Kent, Mitchell, Sellman, Dal-

rymple, Jenifer, Buchanan, Bell, Welch, Ridgely, Sherwood, of Talbot, John Dennis, Dashiell, Hodson, Eccleston, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Dirickson, McMaster, Hearn, Shriver, McHenry, Thawley, Gwinn, Brent, of Baltimore city, Ware, Schley, Fiery, John Newcomer, Kilgour, Brewer, Anderson, Weber, Holliday, Slicer, Fitzpatrick, Smith, Parke and Shower—45.

So the Convention refused to reconsider.

The question then recurred on the adoption of the substitute as offered by Mr. Michael Newcomer, and amended on the motion of Mr. Shriver.

Mr. Johnson moved further to amend the substitute by adding at the end thereof, the following:

"And the said judges shall be paid at per diem rate, for the days they are in session, which shall be fixed by the legislature, and which shall be paid by the said counties and city respectively."

Mr. J. said that he was unwilling to vote for any proposition that would make the salary of the judge of the orphans' court equal in all the counties of the State. Such a system would give an equal salary to different judges, one of whom performed perhaps ten or fifteen times as much labor annually as the other.

Mr. SHRIVER demanded the yeas and nays, which were ordered, and being taken resulted ayes 41, noes 35, as follows:

*Affirmative*—Messrs. Chambers, of Kent, Mitchell, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Crisfield, Hodson, Eccleston, Phelps, Greson, George, Wright, Jacobs, Thomas, Shriver, Johnson, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Gwinn, Brent, of Baltimore city, Ware, Schlay, Fiery, Harbine, Brewes, Weber, Holliday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—41.

*Negative*—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Wells, Randall, Kent, Weems, Dalrymple Merrick, Jenifer, Sherwood, of Talbot, John Dennis, Dashiell, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Dirickson, McMaster, Hearn, Fooks, Gaither, Thawley, Sherwood, of Baltimore city, Schley, John Newcomer, Michael Newcomer, Davis, Kilgour, Waters and Anderson—35.

So the amendment was adopted.

The question again recurred on the adoption of the substitute as amended.

Mr. Graion moved to amend said substitute by striking out the whole of that part offered by Mr. Michael Newcomer, and inserting the following:

"There shall be an orphans' court in every county of the State and in the city of Baltimore, which shall perform the duties of the present orphans' courts and such other duties as may be prescribed by law, and shall consist of one member, to be elected by the people at the same time, in the same manner, and for the same term, and to have the same age, residence, and citizenship as the delegates to the General Assembly."

Mr. G. said: The only difference between this proposition and that to which it is moved as a substitute is, that mine is much more concise, and for that reason will be, I think, preferable for an